

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORLANDO GARCIA,

Plaintiff,

v.

CHSP UNION SQUARE II LLC, et al.,

Defendants.

Case No. [21-cv-00213-AGT](#)

ORDER (1) VACATING MARCH 8, 2021 ORDER ACCEPTING PLAINTIFF'S UNTIMELY OPPOSITION AND (2) RESETTING HEARING TO MARCH 19, 2021

On March 8, 2021, the Court issued the following order regarding plaintiff's late-filed opposition to defendants' pending motion to dismiss:

On February 7, 2021, defendants filed a motion to dismiss. ECF No. 10. Pursuant to Civil Local Rule 7-3(a), plaintiff's opposition was due 14 days later, on February 22, 2021. On March 5, 2021, nearly two weeks after that due date and four days after defendants filed their timely reply brief, ECF No. 13, plaintiff filed an untimely opposition which explains that plaintiff's counsel missed the opposition deadline because "[h]e was affected by the historic storm and power outage that hit Texas" and "had no access to his files, his office server, his list of tasks due and so forth" during that time, ECF No. 14 at 7. Given this explanation, the Court will accept plaintiff's late-filed opposition, but plaintiff's counsel is cautioned that future missed deadlines may result in sanctions or other relief as appropriate.

The Court will also allow defendants to file an optional response to plaintiff's opposition, which should not exceed 14 pages and is due by **March 22, 2021**. The March 19, 2021 hearing on defendants' motion to dismiss is hereby continued to **April 9, 2021 at 10:00 a.m.**


ECF No. 15.

Yesterday, defendants filed a response to plaintiff's opposition (ECF No. 17), along with a detailed declaration from their counsel, Philip Stillman (ECF No. 17-1), which responds to statements by plaintiff's counsel (Russell Handy) regarding plaintiff's late-filed opposition and asks the Court to reset the hearing on defendants' motion to dismiss to the original hearing date of March 19, 2021.

1 In light of the concerning assertions in Mr. Stillman's sworn declaration, the Court vacates
2 its March 8, 2021 order at ECF No. 15 and resets the hearing on defendants' motion to dismiss
3 from April 9, 2021 to **March 19, 2021 at 10:00 a.m.**, as originally noticed. At the hearing,
4 plaintiff's counsel shall be prepared to address plaintiff's untimely opposition.

5 **IT IS SO ORDERED.**

6 Dated: March 10, 2021

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8 ALEX G. TSE
9 United States Magistrate Judge
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